

# THE AVOYEL TRIBE

INCORPORATED UNDER

# THE AVOYEL NATION

Avoyel Nation of LA, Inc.  
517 Overton Street  
Marksville, LA 71351

EIN:72-1468041  
AvoyelBiloxi.Com or AvoyelBiloxi.Org  
Duns#:074372298  
E-Mail:Xenwphwn@Gmail.Com

Federal Petitioner No. 231  
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November 11, 2013

The Office of Congressional and Legislative Affairs  
Indian Affairs  
MS-3648-MIB  
1849 C Street NW  
Washington, D.C. 20240

Re: Thirty-three years ago, the U.S. Congress was duped and the racial coverup continues.

Dear Sir:

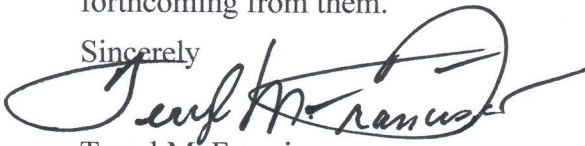
It is ascertained in your mission statement "The Office responds to requests for information from congressional staff...tribal leadership, members and organization and the public. Congressional correspondence is coordinated through this Office."

The rapprochement between the BIA and the Avoyel-Biloxi tribe is as cohesive as blacks are cohesive with Louisiana's Grand Wizard, David Duke's Ku Klux Klan. The Avoyel-Biloxi has no representation in Congress and has entreated in script the Senatorial Leader, Harry Reid for assistance which has not been forthcoming- the tribe's entreaty to redress a constitutional grievance that has not been forthcoming. The Avoyel-Biloxi continues to exist as a tribe with a vigilant indifference to any contact with the BIA. Regrettably, Congress has left the group an only alternative- a monthly racial exposé in the *Alexandria Daily Town Talk*.

Either the Avoyel-Biloxi is lying or the BIA is lying. Either the Avoyel-Biloxi were part and parcel of the amalgamated pan-tribal Tunica-Biloxi-Avoyel-Ofo alliance since 1700 or it was not. The BIA will not affirm nor deny the status. There is historical evidence that will convict if the BIA affirmation is no. Since 1980, the Avoyel-Biloxi has entreated the government for an investigation into social cohesion. In like manner Congress's southern attitude with the President of the United States, thus goes the BIA's racial attitude with the Avoyel Biloxi.

The GAO has been willing to initiate an investigation into social cohesion perchance if Senator Landrieu, the only elected Democratic Senator from Louisiana warrants it. She has resisted the issue for 10 years. The Republicans have vigorously affirmed their disdain for the black president which affirm to the group that a redress of grievance shall not be forthcoming from them.

Sincerely



Terryl M. Francisco

Enclosures

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Received OCLA-IA  
Congressional Affairs Indian Affairs  


OCLA

Terryl M. Francisco, Chairman

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Council Members

\*Kenneth Simon \*Samuel Johnson, Jr \*Dorothy Johnson\*Monica Johnson \*  
\*Marion Young,\* Albert Leviege, Jr \*

Ms. Elizabeth Appel  
Office of Regulatory Affairs and Collaborative Action  
DOI Office of RACA - U.S. Department of the Interior  
1849 C Street, N.W., MS-4141-MIB  
Washington, D.C. 20240

October 7, 2013

**COMMENTS ON THE DISCUSSION DRAFT**

**"1076-AF18"**

Dear Ms. Appel:

Will the discussion draft comments address the BIA's century-old advocacy and subscription to the stigma and labyrinth domino tenets of social cohesion against the Avoyel-Biloxi and other black Native Americans in the past and the present be developed, presented and addressed in the discussion draft?

Will the discussion draft comments be developed and addressed in straight talk depicting the impediment issues of social cohesion, which is a euphemism for race-based discrimination-be developed, presented and addressed in the discussion draft?

Will the discussion draft attempt to comment and address then reconcile the status of any Black Native American group pilloried by the bigotry of the BIA then visited on that black tribal group be developed, presented and addressed in the discussion draft for some type of restitution to Black Native American suffering or having suffered and endured social cohesion indignation?

Will the draft comment and attempt to provide a parity of commutative and distributive justice to black Native Americans having been formerly part and parcel of any tribe or amalgamated pan-tribal member?

Will the draft posthumously comment and address the BIA's coup d'état role against the last traditional amalgamated pan-tribal chief Joseph Alcide Pierite for his sole stance against social cohesion?

Sincerely

XX

Terryl M. Francisco

OCLA	Terryl M. Francisco, Chairman	Page 2 of 5
<u>Council Members</u> *Kenneth Simon *Samuel Johnson, Jr *Dorothy Johnson*Monica Johnson * *Marion Young,* Albert Leviege, Jr *.		



The group has maintained a strong distinction from blacks and has excluded from membership members who married blacks.

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1930-31). In succeeding generations, intermarriage with non-Indian women became quite common, with about half of Belizaire's children (by both wives) marrying non-Indians. More of the Barbrys married non-Indians, probably as a result of moving to Texas. The general picture is of a gradual rather than a sharp increase, with a few of the current generation married to Indians. The group previously had good connections with other Louisiana Indian communities besides Indian Creek, and a few marriage partners were found there, but more, it would seem, among local non-Indians.

The maintenance of a prohibition against intermarriage with a specific group is one measure of the social cohesion of a group. On the basis of currently available genealogy and fragments of historical and ethnographic information, it appears that the group has generally maintained this kind of social boundary in relation to blacks. There have in the past been a number of conflicts over black spouses attempting to live on the reservation. Occasional temporary exceptions have allowed some social association with part-black Tunica descendants.

#### Membership Requirements

The current tribal constitution calls for a membership requirements of  $\frac{1}{4}$  degree Indian blood (of any kind), though this does not appear to be currently operative. This CENA recommended charter probably reflected the idea at the time that a  $\frac{1}{4}$  blood degree was what the Bureau wanted. It has become an issue of tribal politics. The Barbrys are in general of lower blood degree, with some of the latter generation of Texans  $\frac{1}{8}$  or less. The view of some of them is that it is the blood tie, not the degree which counts. The counterargument is that the high Pierite blood degree is due to their intermarriage with the Choctaw (actually some Choctaw-Biloxi from Indian Creek) and further that they are Biloxi, not Tunica.

The issue of whether to lower the blood degree has been put off until the recognition process has been gone through, when it will be taken up again. It is by no means decided, and doesn't entirely follow factional lines. However, few younger individuals are married to Indians and many in the current and the next two generations of children will be less than  $\frac{1}{4}$  Indian.

The current membership is about 200 (Tunica-Biloxi 1979). During their earlier efforts at recognition around 1970, Chief Joe Pierite had claimed a membership of 600 (New Orleans Times-Picayune 1976). Whether this reflects an exaggeration, or a wider body of individuals with ancestry from the village could not be determined. Some of the difference may be accounted for by children of current members not eligible to enroll under the current requirements. The roll is currently closed until the recognition process is finished, but the current leadership is willing to enroll in the future anyone who can document that they meet the requirements, even through they are not known locally and are essentially out of contact with the tribe (F.D.).

#### Land

The land at Marksville is still referred to as the Indian village or the Indian reservation. The current map of the tax assessor (map no. 4) shows it as "Indian

#### Council Members

\*Kenneth Simon \*Samuel Johnson, Jr \*Dorothy Johnson \*Monica Johnson \*  
\*Marion Young, \*Albert Leviege, Jr \*

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April 2, 2003

16  
Mr. Terryl M. Francisco  
Chairman, The Avoyel Tribe  
517 Overton Street  
Marksville, Louisiana 71351

RE: Opinion Regarding Race-Based Exclusion (*Social Cohesion*)

Dear Chairman Francisco:

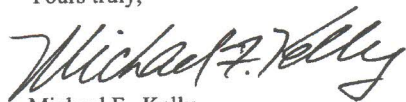
Thank you for your letter of March 13, 2003 requesting an opinion from me regarding Avoyel Tribe's contemplation of adhering to strict *social cohesion* in which the Tribe would prohibit intermarriage with a specific group, in particular blacks.

It is my professional opinion that the practice of *social cohesion* by the Avoyel Tribe could face a legitimate challenge under the United States Constitution. *Social cohesion* is a euphemism for race-based discrimination. All forms of race-based discrimination have fallen. The U.S. Constitution prohibits discrimination based on sex and race. The Civil Rights legislation of 1965 prohibits discrimination based on race when practiced by government entities and in certain situations, by individuals. Even private clubs, the last bastion of segregation, can be attacked constitutionally when they engage in interstate commerce. Certainly the drift of U.S. Constitutional law is to strike down all forms of race-based discrimination.

Thus it would be my opinion that while *social cohesion* might be a legitimate attempt to maintain tribal integrity it would nevertheless fail to pass constitutional muster. The Tribe will engage in interstate commerce. The Tribe seeks recognition by the federal government. It is difficult to imagine how such an entity could engage in race-based discrimination and not be in violation of the U. S. Constitution and most of the Civil Rights legislation passed over the past 35 years. I strongly urge that the Tribe refuse to adopt such a policy.

Trusting the forgoing is satisfactory, I remain

Yours truly,

  
Michael F. Kelly  
MKF/eg



The significant difference between the Indian and the general schedules lies in the nature of the additional questions asked of Indians. For each Indian enumerated, information was recorded regarding his native tribe as well as the native tribe of each parent; whether he had any white blood and, if so, how much; if married, was he living in polygamy; was he taxed; the year in which he acquired citizenship and how; and whether he was living in a fixed or movable dwelling. Answers to these special inquiries were judged reasonably accurate since there were more disadvantages than advantages to being identified as Indian in 1900.

Ten Indian households, totaling 32 Indians and 5 non-Indians, were enumerated in the 1900 Indian census schedules for Avoyelles Parish Precinct 1 and six totally Indian households (25 persons) for the Spring Hill District, Ward 4 of Rapides Parish.(9) Six of the eight early or historical families discussed below are clearly visible among those enumerated as Indian in 1900.

Historical families were identified from the mid-1800's to the present using court testimony, reports prepared by anthropologists and historians, recorded documents, and the 1900 Federal population census. Families present in 1980 are

Note the statement from above:

**“For each Indian enumerated, information was recorded regarding his native tribe as well as the native tribe of each parent; whether he had any white blood and, and if so, how much...”**

The BIA's racial bigotry policy directive of social cohesion, purged, removed and excluded blacks from the tribal roll. No where in the Tunica-Biloxi acknowledgment is there a reference to blacks except when stated that the Tunica refused to attend school with blacks, that they refused to be classified for military service as black and excluded from membership if they were black or married blacks. For this reason it was a joyous chant throughout the village in 1980 :“Tribal niggers need not subscribe.” The BIA served a primary roll in this chant. The Tunica-Biloxi acknowledgment was a sole product of the BIA that it compiled, that it researched, that it adjudicated and that it attested to Congress that every jot and tittle of the U.S. Constitution and federal laws were in strict compliance for equal justice. The BIA's objective in this machination was for the Avoyel to be removed by removing the obstacle for their removal, the last traditional chief, Joseph Alcide Pierite. Then came the moment when the BIA acted as the Devil's Advocate for removal of black tribal members from the roll and to exude only the pure white blood to Congress. If President Obama was an Avoyel-Biloxi he could secured the presidency, but he could never be enrolled as an Avoyel-Biloxi by decree from his own Department of the Interior.

## CONSTITUTIONAL RIGHT TO REDRESS A GRIEVANCE THAT HAS NOT BEEN FORTHCOMING

After two centuries, a group of excluded 200 former pan-tribal amalgamation of Native Americans, Avoyel-Biloxis, descended from the Avoyel-Biloxi tribe and emancipated slaves, have for virtually 10 years, endured Senator Mary Landrieu's stalwart indifference and resistance to address the issue of federal social cohesion. Social cohesion is a euphemism, a federal impediment for race-based discrimination pro actively pilloried under the mantra statement: ***"The group has maintained a strong distinction from blacks and has excluded members from membership anyone who married blacks."***

It should be duly noted, that the United States Government quantifies only three things by blood: dogs, horses and Indians.

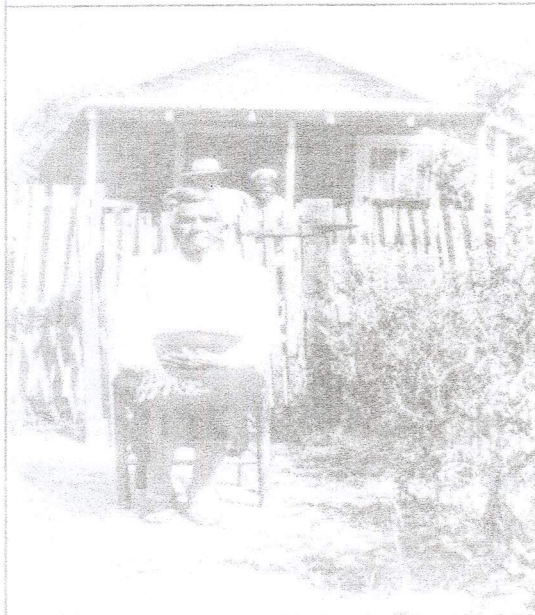
The christening of social cohesion entails, first, pasteurizing and purging any and all black Native American bloodlines from a Native American roll. After the roll exclusion of blacks, the federal government quantifies the roll by ascertaining the degree of the Native American's white blood. After the ethnic cleansing, the residual enrollment is then ready for federal tribal acknowledgment.

Between President Ronald Regan and President Barack Obama, only President William Jefferson Clinton and U.S. Attorney General, Janet Reno, pursued the issue of social cohesion, relegating it as legal discrimination. After their departures, social cohesion became entangled and silenced in bureaucratic red tape.

The Avoyel-Biloxis beg to differ with Senator Landrieu's web-site statement: ***"Senator Mary Landrieu has long been recognized as a champion for civil and equal rights across the country."*** That statement can be predicated of Moon Landrieu. Some Avoyel-Biloxis are still around who

were present about New Orleans in those dark days when Moon was verbally accosted by white conservatives and Black Panthers for his championing for civil and equal rights in Louisiana. It did not deter him. It was around this time when Judge Leander Perez and Ms. Gaillet spewed their racial social cohesion and their in differences to Archbishop Rummel's excommunication of them.

There appears to be a Sword of Damocles that pillories Senator Landrieu's unwillingness to confront social cohesion in conservative Louisiana.



Rosa Washington Francois Francois Avoyel-Biloxi-Matriarch Date of Birth: Unknown  
BAPTIZED AT ST PAUL'S CATHOLIC CHURCH, MANSLA LOUISIANA  
AT THE AGE OF ABOUT 9, DECEMBER 19, 1871  
Chairman Terry M. Francisco  
Council Members  
"Kenneth Simon" Samuel Johnson, Jr. "Dorothy Johnson" Monica Johnson  
"Marion Young" Albert Leveque, Jr.



### CONSTITUTIONAL RIGHT TO REDRESS A GRIEVANCE THAT HAS NOT BEEN FORTHCOMING

The Honorable Senator Mary Landrieu, referenced in her circle as the *champion of civil rights*, has now become the only democratic senator in both the Twentieth and Twentieth-First Centuries designated with the acronym, *COBS [Champion of Black Suppression.]*

Avoyel-Biloxis tribe, descendants of Spanish Moors under the Spanish Occupation [1762- 1803] of Louisiana and Avoyel-Biloxis later from emancipated slaves have been confined and suppressed by social cohesion. Social cohesion is a federal aesthetic euphemism for raced-based discrimination. The U.S. Department of Interior is a federal racist entity that salivates, sanctions, subscribes and racially enforces without lynching, the Ku Klux Klan tenets of social cohesion, a new mode of lynching by enforcement and suppression of civil rights, particularly against black tribal members: *"The group has maintained a strong distinction from blacks and excluded from membership members who married blacks."*

Had not a redress grievance been posted in the Alexandria Town Talk on September 30 and October 5, 2012, Senator Landrieu's machination of black suppression by federal social cohesion would continue to prosper. Her embarrassed staff admitted by phone at 5:00 p.m. on October 12, 2012 to the Avoyel-Biloxis's chairman that the cornucopia of annual tribal documents of acknowledgment- methodically submitted for the last 10 years and posted to Senator Landrieu's Washington office by priority mail in August 2012 - could not be found.

This was an indictment, re-enforcing the contention that Senator Landrieu's 10-year's silence would continue to prevail and promote the Sword of Damocles: black suppression of an amalgamated pan-tribal entity. The staff member entreated the chairman that the replacement documents be e-mailed on October 13, 2012. The chairman informed the senator's staff that only those documents that did not exceed e-mail byte sizes, one-half, would not be submitted on October 12, 2012 until October 17, 2012 due to the fact the Avoyel-Biloxis tribal synod and Oktoberfest were being held on October 13 and 14, 2012.

The federal government justifies social cohesion in the same manner as it is hosted in the U.S. Constitution. The U.S. Department of Interior references each black tribal person as 3/5ths of a person. So every 15 black tribal members render a rounded count as 10. *Social cohesion* contends that blacks are 3/5th sub-optimal beings, not truly humans, but mud entities that indicts and justifies these mud entities from any tribal roll before acknowledgment purification.

Removal of blacks from a roll is required by federal policy directives: any blacks with Native American ancestry on a tribal roll, except mulattos, quadroons, octoroons and griffes are summarily removed from a tribal roll and relegated as a splinter entity or group, which ipso facto renders the 3/5th mud black as a *persona non grata*, without recourse to any federal appeals. Tribal members with white blood need not be humanized in a tribal court. Lastly, only 3/5th black mud-beings can be humanized when they recant their mud entity to a tribal court if a tribe permits it. The Avoyel-Biloxis have black relatives on tribal rolls. Each of those blacks that are on a tribal roll have forfeited their black heritage and have shed their so called mud identity to be returned on that tribal roll by going into a Native American court, *humbly pleading and begging tribal pardon for being black*. The more earnest a disenfranchised black tribal member's entreaty is before the tribal judge, the easier it is for that black to be returned into the tribe.

The U.S. Federal Government, in December 1980, removed the Avoyel-Biloxis from its rightful amalgamated pan-tribal enrollment. The black Avoyel-Biloxis were forcibly removed from their lawful tribe because they were black. Being black is a federal stigma and an impediment on any Native American roll. The ipso facto federal stigma and impediment rendered the Avoyel-Biloxis by federal law to a status of a *renegade splinter group*.

*The status, renegade splinter group, incarcerated and fettered* the Avoyel- Biloxis as a *persona non-grata* entity, which thereafter, denied Avoyel-Biloxis recourse to any federal intervention. In short, the Avoyel-Biloxis are forbidden by federal law to contest or appeal their civil rights infringement in any federal court. Because of their forced classification, now the tribe is designated as a *renegade splinter group*. This is a classic use of federal law machination that suppresses black civil rights by the federal government, penalizing the group for their black status.



And the Pledge of Allegiance ends: **"with liberty and justice for all."** Senator Mary Landrieu, except for every one in the United States but the Avoyel-Biloxis. Even though justice has not been forthcoming, it does not deter the Avoyel-Biloxis from uttering those words with great resounding tintinnabulations of hearts and souls.

In December, 1999, after requesting federal acknowledgment as an Avoyel-Biloxis tribe, the BIA sent a voluminous application to the Chairman of the Avoyel-Biloxis for historical documentation for tribal recognition, which the tribe completed, beginning with the year 1600 to 2000, utilizing the same records to acknowledge a local tribe, forms 83.7(a) to 83.7(e). Note, only the year 1900 to 2000 was the requirement for completion.

Upon completion of the application, copies of the application and numerous historical documents were returned to the BIA, copies were forwarded to the President of the United States, the Honorable George W. Bush and later, the Honorable Barack Obama. Not one response has been forthcoming.

The BIA responded and said that all the information had to be placed on disks instead of the boxes of tribal information that was sent to them. The information was modified and placed on disks and returned to the BIA.

The BIA informed the tribe of time allotments and their part in fulfillment of the application by the BIA placing articles in various newspaper media confirming the intent of the Avoyel-Biloxis to be acknowledged as a Native American tribe. Nothing was ever posted by the BIA in any newspaper about the tribal application. The only concrete thing that was done contractually with the BIA was its issuing a tribal number to the tribe.

Senator Mary Landrieu has been in-line and in-step with the enforcement of social cohesion for the past 10 years. The senator has been unwilling to confront, and has refused to warrant a GAO [General Accounting Office] investigation, even after the Avoyel-Biloxis posted the General Accounting Office letter to her in 2009, 2010, 2011,

and 2012 of GAO's willingness to launch an investigation.

The GAO is the U.S. Congress's investigative arm and watchdog. The GAO is willing to launch an investigation into social cohesion against the Avoyel-Biloxis, provided that the Avoyel-Biloxis's Louisiana senior senator, the Honorable Mary Landrieu, warrants it. The honorable senator for the past 10 years has repeatedly ignored the requests. Her modus operandi: avoid as a ruse by repeatedly frivolous contacts with the Department of the Interior with the same 10-year responses. The Avoyel-Biloxis tribe has repeatedly requested that the senator make no requests to the U.S. Department of Interior.

Now is the winter of the Avoyel-Biloxis's suppression discontent, made seasonally infamous by this daughter of Moon. The general public is aware of the Honorable Senator's Sword of Damocles-stalwart black suppression-that pillories that honorable senator's unwillingness to confront social cohesion in conservative Louisiana.



Rosa Washington François Francisco Avoyel-Biloxi-Matriarch Date of Birth: Unknown

BAPTIZED AT ST. PAUL'S CATHOLIC CHURCH, MANSURA, LOUISIANA  
AT THE AGE OF ABOUT 8, DECEMBER 19, 1871

Terry M. Francisco, Chairman  
Council Members

\* Kenneth Simon \* Samuel Johnson, Jr \* Dorothy Johnson \* Monica Johnson \*  
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